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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/558,031

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Thomas Alan Sponheim

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AMIN & TUROCY, LLP
24TH FLOOR, NATIONAL CITY CENTER
1900 EAST NINTH STREET
CLEVELAND, OH 44114

EXAMINER

ALI, SYED J

ART UNIT

PAPER NUMBER

2127

DATE MAILED: 12/11/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/558,031

Applicant(s)

SPONHEIM ET AL.

Examiner

Syed J Ali

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to Amendment A, paper number 6, which was received October 20, 2003. Claims 1-46 are presented for examination.
2. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

Claim Rejections - 35 USC § 102

3. Claims 1-5, 11, 14-15, 18-20, 24, 27-28, 30-32, 35, 37-38, and 45 are rejected under 35 U.S.C. 102(e) as being anticipated by Bloomfield (USPN 6,370,552).

As per claim 1, Bloomfield discloses a system for retrieving data, comprising:

a client device programmed to create a communications channel in response to selecting an element displayed on a page and to communicate information about the element via the communications channel, the client device displaying on the page information based on response data received via the communications channel (col. 2 lines 25-45, "a method for displaying an executing application in an HTML page begins by receiving an input from a user...and a communication channel to the applications window in the HTML page is created. The output of the application program, which is executing on the server, is displayed in the applications window via the communications channel").

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As per claim 2, Bloomfield discloses the system of claim 1, wherein the client device is programmed to create a container on the page in response to the element being selected, the container being used to display the information based on response data received via the communications channel (col. 6 lines 14-34, “the connections manager 80 places each of the required protocol drivers 120, 120', 120'', corresponding to the requested client protocols...into the protocol stack ‘container’ 112 and links them together”).

As per claim 3, Bloomfield discloses the system of claim 1, wherein the response data received via the communications channel programs the client device dynamically to display the information on the page (col. 6 line 59 – col. 7 line 3, “a viewing user runs a Web browser on a client node and makes file requests via the HTTP protocol to servers. The servers respond by transmitting file data to the client via the HTTP protocol. The Web browser run on the client receives the transmitted data and displays the data as an HTML page to the viewing user”).

As per claim 4, Bloomfield discloses the system of claim 3, wherein the response data received via the communications channel dynamically programs the client device to at least one of copy and transfer at least some of the response data to a container for displaying the information based on the at least some of the response data on the page relative to the selected element (col. 7 lines 53-63, “The server 34 hosting the HTML file 64 transmits the HTML file 64 data to the browser application 60, which displays text and translates any tags that are included in the HTML file”).

As per claim 5, Bloomfield discloses the system of claim 4, wherein the client device is programmed to create the container on the page in response to the element being selected (col. 6 lines 14-44, “the connections manager 80 places each of the required protocol drivers 120, 120’, 120’’, corresponding to the requested client protocols...into the protocol stack ‘container’ 112 and links them together. This dynamic process allows a client node 24 to specify the contents of a protocol stack dynamically without requiring that the server 34 have a prior protocol stack description for a particular client node”).

As per claim 11, Bloomfield discloses the system of claim 1, wherein the information about the element includes at least one of a uniform resource locator and metadata associated with the displayed page (col. 7 lines 53-63, “The browser application 60 accesses the HTML file 64 by issuing a request to a specific Uniform Resource Locator”).

As per claims 14-15, 18-20, 24, 27-28, 30-32, 35, 37-38, and 45, similar limitations are recited as those of claims 1-5 and 11 that have been discussed above. Specifically, a computer readable medium, method, and computer programmed to implement the system of claims 1-5 and 11 is disclosed. That is, Bloomfield discusses in the “Background” section that the system disclosed therein is applicable to the use of HTML documents in a Web browser, and on a computer network, as well as discussing how a computer programming language, i.e., Java, is used. Therefore, it is inherent in the

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disclosure of Bloomfield that a computer readable medium must exist to implement the system disclosed. Furthermore, claims 1-8 of Bloomfield claim a method that implements the system of claims 1-5 and 11. Therefore, the discussion of claims 1-5 and 11 forms the basis for rejection of the present claims as well.

Claim Rejections - 35 USC § 103

4. Claims 6 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bloomfield in view of Guedalia (USPN 6,356,283).

As per claim 6, Bloomfield does not specifically disclose the system of claim 5, wherein the container is positioned adjacent to the selected element.

Guedalia discloses the system of claim 5, wherein the container is positioned adjacent to the selected element (col. 19 lines 17-29, "when the user clicks on the boundary of a sub-region, the location clicked upon is strictly within the image portion displayed in response, making it easy for the user to relate the response image to the previous image").

It would have been obvious to one of ordinary skill in the art to combine Bloomfield and Guedalia since positioning the container adjacent to the selected item, as suggested by Guedalia, would allow the user to easily compare the received content to the selected element that it is generated in response to. In that sense, the content is delivered in a way that intuitively allows comparison between the two elements sought to be compared. For example, if a user were to click on a particular element of a page that

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was unclear, being able to view the received content in context with the original content would facilitate the user's ability to understand what is being displayed.

As per claim 21, similar limitations are recited as those of claim 6 that have been discussed above. Specifically, a computer programmed to implement the system of claim 6 is not patentably distinguishable therein. Therefore, the discussion of claim 6 forms the basis for rejection of the present claim as well. Furthermore, the motivation for combining the Bloomfield and Guedalia references has been provided in reference to claim 6.

5. Claims 7-9, 13, 16-17, 22, 26, 29, 33, 36, 39-43, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bloomfield in view of Cordell (USPN 6,031,989).

As per claim 7, Bloomfield does not specifically disclose the system of claim 5, wherein the information displayed in the container further includes selectable container elements.

Cordell discloses the system of claim 5, wherein the information displayed in the container further includes selectable container elements (col. 14 line 51 – col. 15 line 12, “if a client network application recognizes the reference tag...at step 114, the attributes contained in the reference tag are used to layout and display any nested documents at step 116”, wherein the container that is displayed is capable has selectable elements that create new containers, thus having a number of nested documents).

It would have been obvious to one of ordinary skill in the art to combine Bloomfield with Cordell since Cordell provides the added benefit of being able to nest documents within containers. Specifically, if an element is selected on a page, and content is delivered pertaining to that element, it may be insufficient to fully satisfy the user's desire for more information relating to that element. By allowing the container to include selectable elements, the content can be further clarified, thus achieving a higher degree of usability.

As per claim 8, Bloomfield discloses the system of claim 7, wherein, in response to selecting at least one container element, the client device is further programmed to communicate via the communications channel information about the at least one container element (col. 4 lines 49-65, "the client process 56 on client node 24 makes a request 54 to the network master information node 40 to obtain the address of a server node 34 which includes the desired application", "The client node 24 uses the returned address to establish a communications channel 68 with the server 34").

As per claim 9, Cordell discloses the system of claim 1, wherein the communications channel is an inline floating frame programmed to access a resource on the server (col. 7 line 22 – col. 8 line 4, "A HTML tag pair <IFRAME></IFRAME> is a new reference tag used to provide the method 56 described above, where <IFRAME> designates the beginning of a 'reference tag' or a beginning reference tag marker...and </IFRAME> designates the end of the reference tag", wherein <IFRAME> is a tag used within HTML to deliver content within containers and is well known in the art).

As per claim 13, Cordell discloses the system of claim 1, wherein the displayed page further includes a plurality of selectable elements and the selected elements includes at least one of the selectable elements (col. 14 line 51 – col. 15 line 12, “if a client network application recognizes the reference tag...at step 114, the attributes contained in the reference tag are used to layout and display any nested documents at step 116”, wherein the container that is displayed is capable has selectable elements that create new containers, thus having a number of nested documents).

As per claims 16-17, 22, 26, 29, 33, 36, 39-43, and 46, similar limitations are recited as those of claims 7-9 and 13 that have been discussed above. Specifically, a computer readable medium, method, and computer programmed to implement the system of claims 7-9 and 13 is not patentably distinguishable therein. Therefore, the discussion of claims 7-9 and 13 forms the basis for rejection of the present claims as well. Furthermore, the motivation for combining the Bloomfield and Cordell references has been provided in reference to claim 7.

6. Claims 10, 23, 34, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bloomfield in view of Cordell in view of Andersen (USPN 6,363,398).

As per claim 10, the modified Bloomfield does not specifically disclose the system of claim 9, wherein the resource on the server is an Active Server Page associated with a database.

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Andersen discloses the system of claim 9, wherein the resource on the server is an Active Server Page associated with a database (col. 3 line 50 – col. 4 line 16, “The applet can pass a database query to the active server page on a server computer by including the database query within the URL by which the applet addresses the active server page”).

It would have been obvious to one of ordinary skill in the art to add Andersen to the combination of Bloomfield and Cordell since ASP provides a technique that allows remote execution of applets as well as database retrieval while maintaining security and efficiency. By allowing remote procedure calls, download time can be saved for users with dialup connections, as well as protecting all users from security breaches by not allowing a program to execute on the user machine.

As per claims 23, 34, and 44, similar limitations are recited as those of claim 10 that have been discussed above. Specifically, a computer readable medium, method, and computer programmed to implement the system of claim 10 is not patentably distinguishable therein. Therefore, the discussion of claim 10 forms the basis for rejection of the present claims as well. Furthermore, the motivation for combining the Bloomfield and Cordell references with Andersen has been provided in reference to claim 10.

7. Claims 12 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bloomfield in view of Andersen.

As per claim 12, Bloomfield does not specifically disclose the system of claim 1, wherein the selected element includes at least one word.

Andersen discloses the system of claim 1, wherein the selected element includes at least one word (col. 3 line 50 – col. 4 line 16, “The applet can pass a database query to the active server page on a server computer by including the database query within the URL by which the applet addresses the active server page”, wherein a database query could be construed as a data word).

It would have been obvious to one of ordinary skill in the art to add Andersen to Bloomfield since ASP provides a technique that allows remote execution of applets as well as database retrieval while maintaining security and efficiency. By allowing remote procedure calls, download time can be saved for users with dialup connections, as well as protecting all users from security breaches by not allowing a program to execute on the user machine.

As per claim 25, similar limitations are recited as those of claim 12 that have been discussed above. Specifically, a computer programmed to implement the system of claim 12 is not patentably distinguishable therein. Therefore, the discussion of claim 12 forms the basis for rejection of the present claim as well. Furthermore, the motivation for combining the Bloomfield and Andersen references has been provided in reference to claim 12.

Response to Arguments

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8. Applicant's arguments filed October 8, 2003 have been fully considered but they are not persuasive.

9. Applicant submits the following argument in an effort to overcome the rejection of claims 1-5, 11, 14-15, 18-20, 24, 27-28, 30-32, 35, 37-38, and 45:

“As recited in independent claim 1, the present invention comprises creating ‘a communications channel in response to selecting an element displayed on a page...’ (emphasis added). This aspect of the present invention of responding to a selection of an element in the content found on a web page is also recited in independent claims 14, 27, and 37. Bloomfield does not teach or suggest this aspect of applicants’ claimed invention.”

The following subsection of Bloomfield shows how a selection of an element on a page triggers the creation of a communication channel, wherein the client device then displays information pertaining to the selected element (col. 6 line 59 - col. 7 line 3, “The connection methodology described above can be used for a client 24 running a Web browser program”, “a viewing user runs a Web browser on a client node and makes file requests via the HTTP protocol to servers. The servers respond by transmitting file data to the client via the HTTP protocol. The Web browser run on the client receives the transmitted data and displays the data as an HTML page to the viewing user”). Clearly, Bloomfield supports the selection of an element within a Web browser. Upon a client making such a selection, the appropriate response page or application is located on the server(s), and a communication channel is formed between the client and the server.

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Interaction between the user and the application then continues, as the response is displayed within the user's browser window.

Further, Applicant submits that Bloomfield does not anticipate "selecting an element" as claimed, since in Bloomfield an application's execution is triggered by "*direct action designed to commence direct execution of a specific program.*" Examiner respectfully disagrees, specifically on the point that clicking using a mouse, or other input device does not equate to selection. Clearly, the mechanisms Bloomfield discloses as being able to "trigger" the execution of an application are "selection" mechanisms. For example, if a client web page displays a list of available applications for execution, the user may "select" one of those applications using a particular input device. The term "selecting" as presented in the claims is not presented in such a way as to distinctly separate itself from the selection means disclosed by Bloomfield. Applicant submits that the present claims stand apart from Bloomfield since "*Applicant's invention as recited in the subject claims does not require the 'clicking' or keystroking by a user as described by Bloomfield.*" However, there are no limitations in the claims that relate that the selection does not require a keystroke. Rather, the claim merely set forth "selecting an element displayed on a page". Bloomfield clearly anticipates this since an element can be selected with a keystroke or other input device.

10. Applicant submits the following argument in an effort to overcome the rejection of claims 7-9, 13, 16-17, 22, 26, 29, 33, 36, 39-43, and 46. "*Cordell is not citable prior art with respect to the present application, ...[since] the subject matter of Cordell and the claimed invention were, at the time the invention was made, subject to an obligation of*

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assignment to Microsoft Corporation.” However, the cited 35 U.S.C. §103(c) only applies to references that would have *only* qualified as prior art under 35 U.S.C. §102(f) or (g), or 35 U.S.C. §102(e) for applications filed on or after November 29, 1999, (e.g. not 35 U.S.C. §102 (a) or (b)) (see MPEP §706.02(l)(3)[R-1]). Since the publication date of Cordell is February 29, 2000, whereas the present application was filed on April 25, 2000, Cordell qualifies as prior art under 35 U.S.C. 102(a), and thus 35 U.S.C. §103(c) cannot be cited to overcome the rejection.

11. No substantive arguments are presented to overcome the rejections of dependent claims 6, 10, 12, 21, 23, 25, 34, and 44 other than their dependence on independent claims 1, 14, 27, and 37, for which arguments have been presented and discussed above. Therefore, the rejections stand as set forth in the previous Office action, and reiterated above.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

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advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed J Ali whose telephone number is (703) 305-8106. The examiner can normally be reached on Mon-Fri 8-5:30, 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A Grant can be reached on (703) 308-1108. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Syed Ali
December 3, 2003



WILLIAM GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100
12/9/03